

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

BACKERTOP LICENSING LLC, )  
)  
Plaintiff, ) C.A. No. 1:22-cv-00573-CFC  
v. )  
)  
AUGUST HOME, INC., )  
)  
Defendant. )  
)  
BACKERTOP LICENSING LLC, )  
)  
Plaintiff, ) C.A. No. 1:22-cv-0572-CFC  
v. )  
)  
CANARY CONNECT, INC., )  
)  
Defendant. )

Tuesday, August 1, 2023  
10:00 a.m.  
Hearing

844 King Street  
Wilmington, Delaware

BEFORE: THE HONORABLE COLM F. CONNOLLY  
United States District Court Judge

1 APPEARANCES:

2 CHONG LAW FIRM PA  
3 BY: JIMMY CHONG, ESQ.

4 -and-

5 FINGER & SLANINA  
6 BY: DAVID FINGER, ESQ.

7 Counsel for the Plaintiff

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P R O C E E D I N G S

(Proceedings commenced in the courtroom beginning at 10:00 a.m.)

**THE COURT:** Good morning. Please be seated. All right. Mr. Finger.

**MR. FINGER:** Good morning, Your Honor. David Finger on behalf of Backertop Licensing and Creekview, IP Licensing.

Your Honor, we are presenting no witnesses this morning. None of them have shown.

On Friday, we presented Your Honor with a memorandum of authorities explaining why it is our position that these proceedings should not be going forward. Some, Your Honor is familiar with already from the objection.

We also provided some additional authorities, particularly in the context of bringing in witnesses from over 100 miles away. We have a couple of U.S. Supreme Court cases and a Third Circuit case which hold that Your Honor cannot exercise inherent authority for something that's prescribed by the Federal Rules.

Be that as it may, Your Honor, unless Your Honor has any questions, I have no -- I'm happy to stand

1 on my papers and end.

2 **THE COURT:** Okay. So both Ms. LaPray and  
3 Mr. LaPray are not here, correct?

4 **MR. FINGER:** Correct. And neither is any  
5 representative of Backertop or Creekview.

6 **THE COURT:** Creekview?

7 **MR. FINGER:** Yes.

8 **THE COURT:** Okay. I didn't hear.

9 **MR. FINGER:** Apologize, Your Honor.

10 **THE COURT:** Okay. One of the things I'm  
11 supposed to consider in crafting a remedy for a civil  
12 contempt is the financial resources and the burden on the  
13 party.

14 What can you tell me about, let's start with  
15 Ms. LaPray. Do you know anything about what her salary is  
16 as a paralegal?

17 **MR. FINGER:** I can't answer that question.  
18 From what I glean, from what I've seen in this case so far  
19 and my conversation with her, which was not on that  
20 specific issue, is these are working people, not of great  
21 means.

22 But again, I can't give Your Honor any document  
23 or cite to any specific information to answer that.  
24 That's solely my impression.

25 **THE COURT:** So you don't know anything about

1 her financial resources other than, I guess, what's been  
2 on the record, which is she's a paralegal, and her husband  
3 works for IP Edge, fair?

4 **MR. FINGER:** That's fair, Your Honor.

5 **THE COURT:** All right. How about with respect  
6 to Mr. LaPray, what does he do for a living?

7 **THE WITNESS:** Again, I don't have that  
8 information.

9 **THE COURT:** You have no information whatsoever?

10 **MR. FINGER:** I'm going to not say anything  
11 because anything I say will be pure speculation.

12 **THE COURT:** Then you shouldn't say it. Okay.  
13 So you don't know anything about the burden associated  
14 with coming to court --

15 **MR. FINGER:** I do not.

16 **THE COURT:** -- that he would suffer; is that  
17 right?

18 **MR. FINGER:** That's correct, Your Honor.

19 **THE COURT:** Okay. Anything else you wish to  
20 say?

21 **MR. FINGER:** No, Your Honor. Thank you.

22 **THE COURT:** All right. What I'm going to do is  
23 I will issue an order at some point. You've made this  
24 filing on Friday.

25 **MR. FINGER:** Apology.

1                   **THE COURT:** So I'm not in a position to respond  
2 to it this morning.

3                   But anything else you wish to say in connection  
4 with these, please do so now.

5                   **MR. FINGER:** I think, Your Honor, everything we  
6 have to say is included in the papers for Your Honor to  
7 review.

8                   **THE COURT:** Okay.

9                   Mr. Chong, do you have anything to say?

10                  **MR. CHONG:** No, Your Honor.

11                  **THE COURT:** Okay. Then we are adjourned.

12                  Thank you.

13                  **MR. FINGER:** Thank you, Your Honor.

14                  (The proceedings concluded at 10:07 a.m.)

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17                                 CERTIFICATE OF COURT REPORTER

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19                  I hereby certify that the foregoing is a true and  
20 accurate transcript from my stenographic notes in the  
21 proceeding.

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/s/ Bonnie R. Archer  
Bonnie R. Archer  
Official Court Reporter  
U.S. District Court